# The Role of Law in Redefining Growth and Prosperity in the New Economy

## The role of regulation in creating alternative imaginings

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**Abstract**

What is the role of regulation in creating alternative imaginings of regulatory spaces that could open up possibilities for communities at the margins? How can the new political knowledges, social infrastructures and legal forms needed for regulatory regimes that enable communities at the margins to imagine and enact alternative futures be developed? How can regulatory architectures be appropriated by communities at the margins for socially innovative, creative economic development?

This paper reports on an innovative research programme: Productive Margins: Regulating *for* Engagement. This programme aims to co-produce a research agenda through the Productive Communities Research Forum, a multi-disciplinary collaboration between academics across the social sciences, law, arts and humanities working together with neighbourhood-based, identity-based and faith-based community organisations and social enterprises experimenting with new ways of living and working. The community organisations are multiply-placed organisations working with communities at the margins; they often represent several constituencies, able to reinvent and reposition themselves.

Through the Productive Margins Research Forum this programme seeks to examine regulation from the bottom-up, establishing mechanisms of regulation *for* engagement, and for communities to engage *in* regulatory spaces. This involves re-envisioning spaces of regulation from the perspective of the everyday lives of communities, grass-roots experimentation and 'new adventures in living' (Gibson-Graham & Roelvink 2011) that underpin alternative futures.

*Productive Margins: Regulation* for *Engagement* is a research programme funded as part of the UK joint research Councils' 'Connected Communities' programme. It is a collaboration between the universities of Bristol (in south west England) and Cardiff (in south Wales) and seven community organisations in the city of Bristol and the south Wales valleys. The aim of the programme is for the community organisations and the academics together to *co-produce* seven research projects which will explore new ways in which communities at the margins can engage in processes of regulation that impact on everyday lives, and to experiment with new forms of engagement that enable participation in decision-making in policy-making, the arts and business.

The programme is now in its fourth year, five of the seven research projects have either been completed or will end in the next few months. We have reached an interesting, exciting point in the programme – the experimental mode of the programme is beginning to open up new ground, different possibilities for regulating *for* engagement.

This colloquium offers a great opportunity for us to explore the direction of travel of the research programme with others similarly engaged in "reimagining work, exchange, money, care, enterprise and our relationship to the natural world" through the prism of regulatory systems. This paper, however must be ready very much as a **work in progress,** please bear with us. It is primarily the outcome of discussions between some of those involved in managing the programme at the University of Bristol – Sue Cohen, Community Co-I; Angela Piccini, Co-I , Arts and Humanities, and Tim Cole, Co-I, Professor of History and Director of the University of Bristol's Brigstow Institute. It is therefore a partial account – partial, in that it represents the views and thoughts of only some in the programme, and partial in that there has been a very heavy selective process to decide what to include and what to leave out.

It proceeds as follows. In the first two sections we set out the background to establishing the Productive Margins research programme, the problems we were addressing and the opportunities possibilities we had before us: the **problem** of regulatory systems that impacted on the daily lives of communities at the margins, but were unable to see, hear or engage with those who lived in those communities; and the **possibilities** opened up by mechanisms that aimed to co-produce alternative imaginings for these regulatory systems. The paper then moves to describe the Productive Margins research programme, the partners and the mechanisms we have been experimenting with to co-produce the research programme. We then report on the outcome of one of the research projects in the programme, and conclude with some thoughts on co-production as a mechanism for regulation *for* engagement.

## 1. The problem with regulation

The proposal for the research programme came about in response to a call from the UK Economic and Social Research Council for research that examined '**regulating engagement**'. The call was part of the joint research council's Connected Communities programme, a programme whose aim is to examine "how community and university expertise [can] best be combined to better understand how communities are changing, and the role that communities might play in responding to the problems and possibilities of the contemporary world" (Facer and Enright 2016, 1).

However, for the group that put this bid together (largely academics, which we return to later) the problem that needed to be addressed was not so much 'engagement', but regulation itself – systems of regulation, that is. We acknowledge that regulation thinking has evolved considerably over the last three decades: hierarchical command and control has given way to self-regulation, regulatory toolkits, performance targets and ideas of reflexive regulation techniques (Ayres & Braithwaite 1992), a sort of co-production of regulation between regulator and regulated institutions. Despite this, regulation is rarely seen as politically productive, but rather as 'red tape' to be eliminated. More importantly, the reflexive regulation literature rarely sees beyond the inclusion of professionals or business organisations in regulatory structures. The communities who are collaborators in this research programme rarely, if ever, get a seat at the table. Engagement is limited to, for example, including tenants on housing association boards (McDermont et al 2009) or requiring regulators to consult with consumer panels.


In framing the Productive Margins research programme we knew we had to start from a different point; our primary research question asks

*How can we design regulatory regimes that begin from the capabilities of communities excluded from the mainstream and find ways of powerfully supporting the knowledge, passions and creativity of citizens? (McDermont et al 2012, 1)*

Our focus was not how can regulation controls engagement, but rather regulating **for** engagement – that is: *how can regulatory systems be re-designed so that they enable those who experience their impact on a daily basis, in particular communities at the 'margins', to be engaged in the making and remaking of regulatory systems*. The importance of addressing regulation and regulatory structures was brought into sharp relief on 1st April 2013, the day our research programme officially started, the 'Day Britain Changed', as the Guardian newspaper put it. On this day the UK Coalition Government's package of 'welfare reform' became operational (specifically, what became known as the 'bedroom tax', and …). These so-called welfare reforms further withdrew support from many of the already most marginalised households, making it less and less possible for them to engage as citizens. For these citizens, everyday life is finding the resources to survive – in the UK we now have a society that has returned to the Victorian soup kitchen model, as Oxfam, churches and even Citizens Advice see food banks as a necessity. Precarity is a way of life, as single parents and others to become part of the 'care industry' caring for precarious others on the minimum wage and zero-hours contracts.

But food banks cannot be the answer. As I write this paper I feel that the UK is changing – it is a turbulent, uncertain, distressing place following the referendum vote to leave the European Union. It is a place where communities at the margins voted out of desperation. Many of those who voted to leave the EU (and indeed many who voted 'remain') did so feeling that they are never listened to anyway. Politics – and political decision-making – is a site remote from those at the margins who feel unseen, unheard and unlistened to. In this context, research mechanisms that seek to not only see and hear what is happening at the margins, but that seek to find ways of engage the creativity and productivity of communities at the margins in decision-making, seem ever more urgent. In these times, those powerful regulatory structures that are squashing the life out of life need to be countered with regulatory structures designed from the bottom up. Spaces of regulation needed to be re-envisioned from the perspective of the everyday lives of communities, through grass-roots experimentation and 'new adventures in living' (Gibson-Graham & Roelvink 2011) that underpin alternative futures.

## 2. Knowledge and co-production

Which takes us to the methodological basis for the research programme – one of 'co-production'. The academics who framed the research bid began with the concept of 'productive margins' – the understanding that communities that find themselves, for a wide range of reasons, at the margins and edges, must be understood at the outset as highly productive. This is in part Gibson-Graham's focus on assets as a starting point rather than needs, and from a variety of literature across disciplines that considers margins, boundaries, as the spaces in which the most interesting things happen.

With this as our starting point, it was obvious that we should embody this principle into academic research itself; to understand communities at the margins not as sites for research *on,* but as co-producers of the very research questions that arise from marginality, and as creators of data that can be used to re-envision everyday lives.

However, the term co-production itself can be problematic. The 'invention' of the concept of co-production is routinely credited to Elinor Ostrom when she was researching the Chicago police in the 1970s. She noted that most public services were not delivered by a single public organisation but rather by several actors across the public and private sectors (Ostrom, 1975). For her 'coproduction' articulated a possible relationship between "producers" and "clients" defined as:

> *the process through which inputs used to produce a good or service is contributed by individuals who are not "in" the same organization (Ostrom, 1996, p. 1073,)*

The term has become so ubiquitous in policy circles (and more recently in academic discourse) that it is looked upon suspiciously by some as no different from other attempts by powerful actors to claim they have engaged communities in their decision-making processes, or worse, that it is used as a way of co-opting communities in cutting services. However, when devising the research programme we were specifically responding to frustrations at so-called engagement which has led to community organisations saying they wanted no more *consultation.*[1] So from the outset we had to attempt to establish our own systems of regulating the research process which would take the '*co'* in co-production seriously. Co-production does not mean academic led, but neither does it mean community-led. The mechanisms we established needed to be able to generate research questions that were both of vital importance to the community organisations who are partners in this project, and would also be understood as important in creating 'new' knowledge, what universities often term 'cutting-edge *academic* research'. This was how we arrived at the Productive Margins Research Forum.

In finding ways of thinking about the experimental spaces we are trying to open up we have borrowed some perspectives from Actor-Network Theory or the 'sociology of translation' (Callon 1986). It is in the associations between people, people and things, things and people in which objects and subjects are translated that power is enacted (Latour 1986). In our attempts at experimentation around 'regulating *for* engagement' through the Research Forum, those translations and associations have been both sites of contestation and creativity. New associations

[1] ?? footnote about the showcase event ESRC set up in Toynee Hall for 4 shortlisted research teams ..?

have, in some instances, been highly productive; and old associations have, in some instances, continued to rub up against each other in the wrong way.

## 3. The collaborators in Productive Margins

There is a need to break open the little, innocuous word 'we' that constantly appears in this narrative. At the beginning of this paper we suggested that the story begins with the formulation of a response to a funding call by one of the UK research councils. However, as with all stories, the concept of 'beginning' is always problematic – there is always a 'before', indeed usually many versions of the 'before', that come to together to create that particular beginning. So it was with Productive Margins, and these many 'befores' have themselves constantly impinged on the story that followed (sometimes some of us might feel more 'haunted' by them).

*How* we came together has been one of the mechanisms that has shaped what has been possible to do as a collective, and has also created many of the sticking points, the 'unresolvables' we discuss at the end of the paper. The story is complex, in need of untangling. First, the partners:

### The partner organisations


**Coexist**: 'an umbrella organisation for grass-roots organisations and community groups that occupies a formerly derelict office building – Hamilton House – beside Banksy's famous Mild, Mild West mural of a teddy bear with a petrol bomb in Stokes Croft, Bristol. Legally it is registered with Companies House as a Community Interest Company. Coexist describes itself as a social enterprise, run by directors that work as a 'collective'.[2]

**3 G's Development Trust**: based at the head of one of the Welsh valleys, these are communities that used to be coal-miners and steel-makers. 3G's is an extension of the community regeneration partnership that has operated in Gurnos and Galon Uchaf since 1995. It converted into a Development Trust in August 1999, registered with Companies House as 'private, Limited by guarantee, no share capital, use of 'Limited' exemption'.[3] 3Gs also describes itself as a social enterprise.

**Single Parents Action Network (SPAN)** describes itself as 'a uniquely diverse organisation empowering one parent families throughout the UK. We value the vital contributions of one parent families in society'. At the beginning of the research programme SPAN ran a nursery, parenting

[2] The majority of the organisations have adopted a legal form that was established for business. Most of them predated the Community Interest Company form, but in established themselves as both companies limited by guarantee and registered charities they have set themselves within regulatory frameworks that operate one the one hand, to promote business, and on the other to legally enshrine the 'not-for-profit' ethos. What bis interesting to me is that none of them have turned to the co-operative structure, one which was more in vogue in the 1970s (Coexist are considering whether they should convert to the legal form).

[3] http://www.3gs.org.uk/History.htm last visited 18.4.13

classes and like 3Gs they are both a registered company limited by guarantee and a registered charity.

**Building the Bridge**: BTB is a partnership between Muslim organisations, Bristol City Council, the Police and the Health Board, established to improve understanding between communities, religions and cultures, building respect for each others' values and viewpoints. 'Our aim' (according to the website) 'is to encourage and support the Muslim community to play an active part within the communities of Bristol'.

**Knowle West Media Centre** is an arts organisation/registered charity based in Knowle West, one of the most economically deprived areas of Bristol. The work of the Media Centre is based around the belief that 'the arts have the power to make a difference to our lives, our neighbourhoods and our environment.' Their activities focus on 'supporting individuals and communities to get the most out of digital technologies and the arts .. this means providing exciting and relevant ways for people to get involved in community activism, education, employment, and local decision-making.'[4]

**Southville Community Development Association** is a limited company and charity. Its website says "We improve local lives by: Running a quality nursery, pre-school and pre/afterschool club, .. provid[ing] older people's services via the Monday club with activities, healthy lunch and companionship. We are a vibrant community space ...We support and work in partnership with other local charities and organisations."

**South Riverside Community Development Centre Ltd (SRCDC)** is a charitable company funded by the Welsh Government's Communities First programme, and "aims to support our most disadvantaged communities in our most deprived areas of Butetown, Riverside and Grangetown with the aim of contributing to alleviating persistent poverty and is part of the implementation of the Welsh Governments Anti Poverty Strategy with a focus on Education, Health and Prosperity."

Whilst the community organisations work with and within some of the most marginalised communities in Bristol and south Wales they are not (simply) conduits to communities at the margins. They themselves occupy positions of authority; they are strong organisations that have shifted and adapted to difficult environments. They are all, in their different ways, entrepreneurial organisations. One question of interest to some of the academics and community organisations is, what sort of legal form(s) can best enable these organisation to be both participatory, engaged organisations and to enable communities at the margins to be part of decision-making structures that can make decisions that *stick*.

All the community organisations have also all been involved in previous research relationships with one or other of the two universities, the other partners in Productive Margins, the **University of Bristol** and **Cardiff University**. Both of these institutions position themselves as world class research organisations, both are members of the Russell Group of universities.[5] The academics involved from the University of Bristol come from a wide range of disciplines across the arts and humanities and social science: archaeology & anthropology, education, film studies, geography, history, law, social

[4] http://kwmc.org.uk/about/

[5] 'The 24 research-intensive, world-class universities that make up the Russell Group are all unique institutions, each with its own history and ethos, but they share some distinguishing characteristics.' See russellgroup.ac.uk/about/our-universities/

policy, sociology. The academics involved from **Cardiff University** come from criminology, psychology, sociology, …. One of the Co-Is from Cardiff has subsequently moved to Aberdeen and now Manchester Metropolitan University …

Both institutions would argue that they play an influential role in policy-making, locally, regionally and nationally. An important element of the framing of the research programme has been the jurisdictional divide straddled by the location of the two universities and the community organisations:

> *Our 'cross-border' collaboration between southwest England and south Wales enables us to contrast differing regulatory boundaries associated with devolution, and creatively use these insights to further develop new modalities for engagement. (CfS 2012)*

### *How the partners came together in the programme*

This bland description of organisations above says nothing about the relations and associations (or lack of) between the organisations that have shaped the programme. So for example, the complexities of the relations between the two universities. The University of Bristol is the organisation that has overall responsibility for the programme: this was where the idea for the research programme began, the research bid was submitted in the name of the University of Bristol (UoB), the Principal Investigator is employed by UoB, as is the Programme Co-ordinator, research associates (RAs) for the programme, and the PhD students. Cardiff University initially became involved with the PM programme through relationships between the research support staff in the two universities – there had not been a previous working relationship between the academics involved in this programme form Bristol and Cardiff. The community organisations all had previous relationships with academics at one or other of the universities, generally through research collaborations. However, there was little (if any?) history of previous collaborations between the community organisations themselves.

So it was that only some of the actors in this story were 'in' on the particular beginning of the formulation of the research bid. Whilst we tell the story of a co-produced programme the decisions about how we came together were not 'co-produced'. The idea began in one institution. The community organisations were in effect 'chosen' by the two universities - these were all organisations that academics at the two universities had previously worked with. These were organisations which in themselves occupy a position of power within the communities they work with/in/represent.

So a number of the decisions that have been productive of the power relations that enmesh the programme were taken outside the spaces of 'co-production; they have been regulatory decisions – or decisions that have had regulatory effects … at the end of the paper we reflect upon the impact of some of these regulatory effects.

## Producing experimental thinking through experimental spaces

Alternative imaginings require us to create alternative spaces in which to think, theorise, gather data and analyse. This is very clear in the research of the Community Economies collective (the 'nitty-gritty of creating alternative economies' Gibson-Graham and Roelvink, 2011), and has been a central tenet of the Productive Margins programme.

The Case for Support for the research programme set out two principles which we hoped would guide our approach to knowledge production: 1) academics and community organisations are equal partners in the design and delivery of the research programme; 2) new understandings arise when we reflect what we think we know against others who bring to the field different perspectives. Later we explore some of the problems we have experienced with these principles in practice. However, for now we will describe the experimental space which we have created as our mechanism for co-production, the **Productive Communities Research Forum**.

The Research Forum was established at the beginning of the programme as a space in which academics and communities together would identify research projects that could develop new thinking about regulatory regimes for engaging communities, projects that would arise out of everyday lives rather than the bureaucratic needs of mainstream institutions. The Forum was not intended as a conventional advisory board, nor would it follow a familiar model of 'partnership' dominated by powerful actors. Rather it was meant itself as a site of experimentation, and importantly, as a site of *doing* and the production of *things*. We hoped it would act as a dynamic location for co-producing knowledges, enhancing exchange and dissemination, and developing innovative methods for the social sciences, arts and humanities.

As well as the Forum we had two other layers of 'management' for the research programme: a Management Team which was meant to do day-to-day planning; and a Programme Management Group which was for strategic planning. However, we have struggled with these divisions, and particularly as the Forum became more of an active space of decision-making the division between Management Group and Forum became problematic … explore this further, or for another time ..?

The Forum has turned into a complex, controversial thing; we set out below some of the elements of the Forum in practice.

**Membership** of the Forum was made up of: one 'representative' from each of the community organisation partners; the Principal Investigator plus the nine Co-Investigators – 8 of whom were academics, and Sue Cohen, who had been CEO of SPAN for 25 years; and then, as they joined the programme, the academic and administrative staff employed by the programme (research associates, PhD students, the Programme Co-ordinator and later an administrative support officer) – membership was fluid as new people joined the programme

**Location:** the Forum was always on the move, location became important. The first meeting took place in Bristol University, and after that was successively located in each of the partner organisations. The first time we met in the buildings of a community organisation partner, our day began with a site visit around the organisations' facilities and local spaces and places that were considered as important in understanding the community in which the organisation was located. So for example, our second meeting took place at 3Gs, Merthyr Tydfil and began with a bus tour of the Aberfan cemetary where the graves of the 116 children and 28 adults who died when the Aberfan colliery spoil heap collapsed onto the primary school in the village of Aberfan.

**Experimenting with format and engagement:** we experimented with different formats and ways of engagement between Forum members, with the host organisation for each meeting having a role in designing the format of the meeting, working with the management team the shape of the day and methods used. So, for example, at the first Forum everyone brought an object which represented

their ….; , at the second, in 3Gs,Merthyr, following the visit to Aberwan we played around with maps; at the third in KWMC some of us did bread-making; at the fourth (at SPAN) we brought in a facilitator from outside the Forum, which was something we had previously resisted; March 2014, a year on at Butetown, we got down to devising research questions/themes with flipcharts and post-its, it was here that we identified three themes which then developed (at different paces) into working groups around (i) isolation and loneliness in older people; (ii) poverty; and (iii) food. Working Groups were set up following the Forum meeting around each of these themes, comprising academics and community organisations

**Decision-making processes:** we had resisted setting up formal processes at the beginning as to how we would make decisions on what research questions were adopted/projects went forward. As the programme was experimental, we thought these should emerge, the academics did not want to be appearing to dictate. At the fifth Forum in May 2014 (Southville) we adopted the fishbowl technique[6] as a mechanism for allowing the Working Group to set out their ideas and for the rest of the Forum members to have the opportunity to respond. This technique has proved controversial – some thought it engaging, others felt intimidated…. . At the July 2014 (Coexist), the host organisation provided a trained facilitator who got us working together through crafts and drama exercises. The working groups gave presentations of their proposed project in order that the Forum could give them approval to go ahead– it was here that the facilitator suggested we needed a nechanism to *perform* approval, and so "o'shea" came into being!

Looking back, we can see that the Forum has developed in phases: first forum, why are we here? Then two forum meetings of discussion, March 2014 was the point in Butetown at which we brainstormed the research ideas and the questions/themes began to crystallize. Some felt this first phase too slow, wanted to have outputs; next phase was working in groups generating the initial ideas for research projects, productive but progress was still uncertain, the 'fishbowl' became (for some at least) the parent giving authorisation; then moving to a third phase where the working groups in a sense took over the Forum - being the central energy - working in smaller groups but within the shared space of the larger group (the Forum). Working Groups, for many in the programme, felt to be particularly productive spaces.

## Regulating the co-production process

The Authority Research Network, some of whose members have been involved in Productive Margins, noted in their book *Problems of Participation* that 'participatory democracy needs authority' - if we are to 'affirm the value of democracy [which I take to encompass our focus on engagement], we must pay 'particular attention to how it needs to be cultivated through structures of authority'[7]. Structures of authority have been a particular problematic in the Productive Margins programme – as they have been in many of the other research teams in the Connected Communities programme – (see Facer and Enright, 2016). Should we have worried about them more earlier on in the programme, should we have placed up-front and on display the contradictions between an aspiration that 'academics and community organisations are equal partners in the design and

[6] EXPLAIN FISHBOWL - REF

[7] *Problems of Participation: Reflections on Authority, Democracy and the Struggle for Common Life,* ed by T Noorani, C Blencowe and J Brigstocke, ARN Press, 2013, P1

delivery of the research programme' and a programme of research in which the funding is held by one large, bureaucratic institution.

Apart from the decision-making structures we have put in place, the programme has also required us to set up more of our own 'regulations for engagement': logo and brand; ethics procedures; data management; finance procedures; appointment of research staff and artists …

In the 'concluding thoughts' we reflect on some of the difficulties and struggles we have encountered. However, three and a half years in, we are now beginning to see many concrete things from the programme …

## So what does grass roots experimentation look like?

So where is this grass-roots experimentation taking us? So far, there have been five research projects, and two further research projects developed by PhD students funded as part of the programme. Much of the detail of what has been done can be found on the Productive Margins website, www.productivemargins.ac.uk.

In this section we discuss the outcomes from one of the research projects: 'Life Chances', originally the Poverty Working Group.

### 'Life chances'


This evolved from a project from a series of themes identified as 'poverty' at the Butetown Forum meeting. The Working Group was formed from workers from SPAN and SRCDC and a shifting number of academics. The histories of SPAN and SRCDC led them to identify themes of poverty as critical to their working practices. The organisations had both been set up by groups of people who came together to challenge poverty and disadvantage in multi-cultural areas of Bristol and Cardiff respectively. Both orgnaisations had 'matured and sustained themselves over time'. They had not previously worked together but the working Group members rapidly recognised that they had a lot in common, developing a trusting and creative working relationship, a 'synergy of .

After identifying a wide range of themes that they wanted to explore (including historical perspectives…) the Working Group homed down onto 'Low-income families in modern urban settings: poverty, austerity and participatory research' which "effectively subverted the Big Society discourse [of the UK Coalition Government] and its institutionalisation of participatory engagement that controlled voice and resistance" (Sue Cohen in Cohen et al forthcoming).[8] The Working Group's named morphed from 'poverty' to 'Life Chances' when the group commissioned artists Close and

[8] This is a very abbreviated version of the Working Group's journey. The story of the Poverty/Life Chances Working Group will be told in Cohen et al., forthcoming

Remote to be part of the working group. They wanted to move away from the discourse of 'poverty' (a needs based model?).The UK Coalition Government had set up a 'Life Chance' programme – the artists stumbled upon the Govt's twitter account (#LifeChances) during the course of the workshops. They wanted to re-appropriate the term Life Chances and disrupt its images of hetero-normative, mono-racial and largely fictionalised family type – see image right.


With the support of the artists the Life Chances Group has "constructed alternative images to those used by the Westminster Government in relation to its own 'Life Chances' agenda. Launched at the 'Utopias' fair at Somerset House in June 2016, the 'Life Chances' research project also showcases a co-produced novel, developed in workshops with volunteers, community partners, researchers and artists. Fictional characters were created, loosely based on individuals' lives, using factual material to create fictional storylines. These explored the impact of different regulatory systems – such as benefits, housing, immigration and child protection – on their lives. Jewellery was also created by volunteers."[9]

They also created the Life Chances game which uses the logo of 2 concentric circles adding several 'landing points' marked A - H (see photo above). The game is played on a carpet about 1.5x2m. The **appendix** contains detail of how the game works. It was played at the Utopias Fair in June (the weekend after the UK's EU referendum!) with members from the two communities in Bristol and Cardiff leading the game along with one of the artists. The game opened up discussions between players - visitors to the Utopias Fair who were variously students (often from overseas), tourists and other participants in the Fair - about the various regulatory 'blockages' experienced by the actors because of their differing 'life chances', particularly about immigration status and education background.

The novel, entitled Life Chances - A co-produced novel, explores alternative futures. It was co-written with volunteers mostly from the Somali communities in Bristol and Cardiff, and explores different 'life chances' of families with children, looking at situations now, and how they could be different in the future, highlighting a different utopia than that envisaged by the current Westminster Government policy. Below are some summary situations from the novel, illustrating how regulatory systems often fail to match the reality of the lives of people who use those systems.

Hadi's life chances are affected by the asylum system. Hadi came to the UK simply to keep her two children safe. She claims asylum and is given temporary accommodation in a shared house in Cardiff, run by Red Door Housing Ltd. She had no choice of where to live. She is not allowed to work and has

[9] "Life Chances: re-imagining regulatory systems for low-income families in modern urban settings" see http://www.bristol.ac.uk/media-library/sites/policybristol/documents/Policy_Report_Life_Chances_Final_v6_for_web.pdf

to live on asylum support of £110.85 per week. She wants to work but can't do this until she is accepted as a refugee. In the meantime society is not benefiting from her creative skills.

Najma's life chances are affected by Jobcentre Plus benefit rules requiring her to seek any work, not a job that is suitable for her skills. She qualified as a doctor in her own country but this is not recognised in the UK. She is required to have a high standard of English and to complete further practice assessments in order to practice in the UK. Clinical attachments used to be available at her local hospital but these have been withdrawn. Najma is a single mother, without enough childcare to let her study and practice. Regulation of benefits and access to professional practice also sit uneasily with the thousands of doctor vacancies in the NHS.

### The Life Chances Jewellery Community Interest Company as Utopia

In the co-produced novel, the Life Chances Jewellery Community Interest Company (CIC) has branches in Bristol and Cardiff, and offers space for mutual support and learning, especially for women. As well as being creative, people use existing skills and develop new ones, and establish a network and knowledge of regulatory systems that affect them. People can work here whilst also receiving Unconditional Credit (a form of Basic Income). At the CIC people hear about exciting new developments in Children's Services, such as parent advocates (to help avoid children being taken into care) and citizen involvement on local council committees. Recent entrants to the UK can access language and skills support so that they can contribute quickly to the local economy. (All of the above taken from the Policy Briefing see footnote 9.

## Regulating *for* engagement*:* some reflections on co-production

Returning to the principle research question of the Productive Margins research programme: *How can we design regulatory regimes that begin from the capabilities of communities excluded from the mainstream and find ways of powerfully supporting the knowledge, passions and creativity of citizens?* We can begin to see, through the example of the Life Chances research project some of the ways in which this might happen. However, we are some way from this work nearing completion – our next stages must be to take the re-imaginings that have emerged from the research projects into the arenas of the regulatory regimes they have set out to challenge. We need to extend our experiments in co-production to bring in policy-makers and workers in these regulatory systems to bring in the alternative ways of seeing and knowing that our research has opened up, which we will be able to develop in future papers.

In opening up these alternative spaces for seeing/hearing/knowing we have developed some important understandings of the difficult process of co-production. In concluding this paper we want to offer some reflections on those processes of co-production as we have attempted to enact them in this programme. We do so not simply as a way of reflecting on co-production in research – these are not just issues of research practice, but practices that need to be brought into regulatory thinking. Given that policy-makers are holding up 'co-production' as a key way forward for public services, we bring these reflections as a way of interrogating and challenging some of what we see as unreflective practices that have been called co-production.

Here thinking in terms of regulatory *space* rather than networks is helpful; networks become static, fixed – space is fluid, can be opened up (as well as closed down). Regulators need to look at ways in which space can be opened up to alternative ways of seeing – we stress seeing (and hearing) because our experiments (and similar, for example the Community Economies Collective) show the importance of perspective…

We offer these reflections under four headings: alternative ways of knowing need alternatives ways of seeing/hearing; time; money; politics.

## Creating alternative spaces for seeing/hearing/knowing

There are many aspects of the programme that have created new openings; in particular the spaces of the Research Forum meetings and particularly in the Working Groups, we have been able to create space for alternative imaginings that is not possible in the everyday world of community development that many of the partner organisations are engaged in. The Life Chances Working Group have commented:

> *Critically, we had the opportunity to consider more radical anti-poverty agendas than were possible under most of the local, national and EU government funding programmes that had directed a good deal of our partnership work in the past. We had freedom to dissent: to create an alternative space that drew on grassroots knowledge and local understandings, explored possibilities, and questioned assumptions.* (Cohen et al, forthcoming, p5)

These spaces for alternative imaginings have often been closely aligned to bringing in arts theory and practices to *see* and *hear* what regulatory systems feel like. But the novel and the songs that have emerged from Life Chances are not just new formats in which to set out data about the impact of regulatory systems (formats generally not used by social scientists or those engaged in generating 'evidence' for policy-making'). They importantly are also different ways of generating data – it was the process of novel-writing that could open up – to those engaged in the process of novel-writing who were also the researchers - new ways of seeing how regulation impacts on everyday life, and open up ways of regulating differently..

Critical to our programme has been its multi-disciplinary approach. We have found that engaging arts practitioners in the research process has enabled the researchers has promoted alternative thinking. Artists can offer new and different ways of visualising data, but critically – as the novel and the jewellery collective shows – offer new approaches to thinking about the problem in the first place.

## Time

Time is perhaps one of the most important assets in being able to create spaces for alternative imaginings. Alongside the uneven distribution of money, the uneven distribution of time amongst actors in the co-production processes has been a key factor that makes it difficult to argue that we have succeeded in our claim that 'academics and community organisations are equal partners in the design and delivery of the research programme'. One mechanism for enabling academics and community organisations staff all to be Co-Investigators has been to pay for the time of those

working on the programme. This has meant paying for attendance at Research Forum and Working Group meetings for community organisation workers, paying for the administrative and management support that community organisations provide for researchers, as well as paying for use of facilities. This leads to funding going into the community organisations as well as the academic partners, but the difficulty is research is not the 'core business' of these organisations, as this quote from the Director of SPAN's local operations demonstrates:

> *I am not only responsible for overseeing all the operational aspects of our front-line service delivery, but also for staff well-being, fundraising, finances, and, contracts. If there is a crisis with a service user I sometimes have to intervene. This means that without allocated time for the research projects we are part of, however important we feel that they are, it is not a straight forward task. Funding for my job is tied in to different projects and is time limited. Without knowing how much time I will dedicate to the Productive Margins programme on a more long-term basis, it becomes difficult to profile budgets and plan ahead in terms of human resources. As a result, I do not feel able to spend as much time as I would like to, and see as necessary for us to become an equal partner in the co-production process." (*Cohen et al, forthcoming, pps 8-9)

An equal division of time is perhaps a fantasy, however, one important question to take forward is how time for engagement is to be made. Productive Margins in its original formation had nine community organisations as partners, but we 'lost' two along the way. One organisation that fell out of the programme was Deaf Access Cymru, an organisation that supported Deaf people throughout Wales. It only had two members of staff: a Director paid for one day a week, and a full time project officer. Although the project officer attended meetings at the beginning of the programme she did not have sufficient time to allocated to work that was not part of her core project work. The other organisation was, like SRCDC, a community organisation funded under the Welsh Government's Communities First programme. The workers were keen to engage in the programme, seeing the focus on re-imagining regulation for engagement as very much part of their core aims; however they had to be so focused on the targets set by their funder that they ended up withdrawing from the Research Forum.

## Money

The ability to pay for the time of community organisations' contribution to research projects, and to reimburse the expenses and time of members of the communities they work within, has been a critical development brought about through the UK Research Council's Connected Communities programme:

> *funding has significantly enhanced the capacity of projects to learn from the experiences and perspectives of economically marginalised communities* (Facer and Enright, 2016, 4).

However, there have been many struggles over money on the programme – indeed this is a site of conflict for many of the research projects funded under the Connected Communities programme (e.g. see Facer and Enright, 2016, chap 5). Not least of these has been the financial regulatory systems of universities, which are not set up for working with small community organisations.[10]

[10] Catherine Dunleavy's guides … ref

In aspiring for equality between academic and community partner organisations money has possibly been the biggest obstacle. The location of the funding in one university has meant that the 'rules of the game' have been fixed within one frame – if there is flexibility in the funding is because the academics and administrative staff in Bristol University can create that flexibility because we can see a way round certain rules and regulations.

We have sought to find ways to redistribute some of the funding. Working Groups were able to opt for having the researcher employed by the community organisation(s) participating in the research project. We need time to further analyse how well this succeeded in shifting power relations. As each project had two or three community organisations involved in the research, this meant either splitting the funds for the researcher between the organisations and employing two researchers part-time – resulting, at times, in a split in the direction of research. Alternatively, the researcher resided in one organisation which then created difficult dynamics between the community organisations: co-production can create tensions between communities (Pohl 2008). The more traditional research model, where the researcher was employed by Bristol University, certainly did not inhibit extremely effective co-production, in the Life Chances Working Group.

## Politics

It will be clear from the above that co-production is enmeshed with politics. In times when discourses of austerity dominate the political agendas of many, co-production could so easily be adopted as a mechanism for 'engaging' communities in decision-making that removes vital mechanisms of support from communities at the margins rather than opening up possibilities for creative and engaged futures. Co-production without the engagement of the state and the resources of the state to support community development potentially means opening up visions of alternative futures but without the authority of regulatory structures to make decisions stick. Participation, as we have already said, requires authority.

We believe that one element critical to the Productive Margins programme is the focus on creating 'spaces of dissent'. As one of the three themes of the programme, 'dissent' enables us to raise questions about how non-mainstream views and voices are positioned within processes of engagement. Rather than seeing dissent as 'resistance', individuals/groups as opponents to government programmes, we are interested in how spaces of dissent can be engaged with and productively crafted to afford new and initially unorthodox perspectives on difficult issues, offering potential solutions. There are numerous examples (feminism, civil rights, micro-finance, participatory budgeting, restorative justice) of ideas initially seen as radical and marginal which have come to be adopted by the mainstream. A growing literature maps how ideas and information 'travel' within and across different social networks and are embodied in diverse forms (Larner & Laurie 2010; Newman 2012; Peck & Theodore 2010). Translations, negotiations, compromises and mutations are integral to these processes, and emerging institutions, governmental techniques and regulatory forms often bear little resemblance to the initial formulations. Research with community organisations encourages us to understand spaces of dissent as potentially productive.

In the final phase of Productive Margins, as we seek to develop our thinking about alternative regulatory imaginings with those engaged as decision-makers in regulatory structures, we will need to continually revisit the role of dissent.

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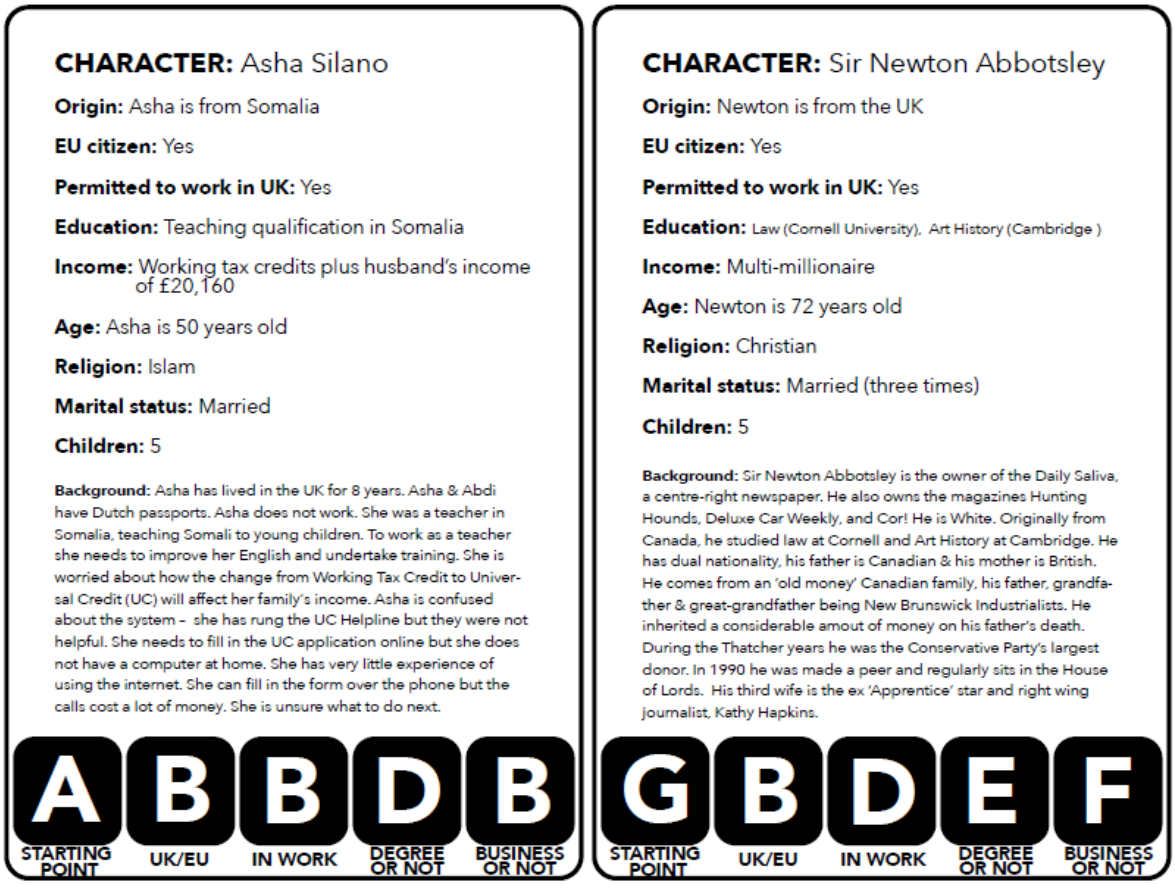
## Appendix – The 'Life Chances' Game

About 4 or 5 people can play the game at any one time. Each participant is given a card with details of one of the characters in the novel. Characters include those in the private sector and in government (who are making the policies/discourse), as well as characters who are the subjects of Life Chances discourse/policies, encountering systems such as asylum/immigration, benefits/work, skills, housing, and child protection. At the bottom of the card are marked the 'landing points' (eg C, C B, A) that the characters are likely to move on to in response to pre-set questions. For example

- A NO IMMIGRATION STATUS (NOT PERMITTED TO WORK)
- B UK/EU passport
- C UK born
- D In paid work
- E Degree education or higher
- F Self made wealth (for example Alan Sugar)
- G Inherited wealth (for example George Osborne)
- H Inherited title and wealth

These attributes can then be drawn from the character cards (two examples below) and then questions conducted, so we may see no movement for some people and a lot for others.




This then generates discussion about 'why hasn't this character moved'? (eg because of being an asylum seeker who is prohibited from working). Other can move more freely, including into the inner circle, if they have wealth, education etc.